

Remarks/Arguments

A. Pending Claims

Claims 2039-2068, 2070-2107, 2109-2116, and 5396-5403 are currently pending. Claims 2039-2041, 2046, 2048, 2050, 2065-2068, 2070, 2078-2080, 2085, 2087, 2089, 2104-2107, 2109, 5398, 5399, and 5403 have been amended. Claim 2039 has been amended to include the features of claim 2069. Claim 2078 has been amended to include the features of claim 2108. Claim 5398 has been amended to include the features of claim 2086. Claims 2040, 2041, 2046, 2048, 2050, 2065-2068, 2070, 2079, 2080, 2085, 2087, 2089, 2104-2107, 2109, 5399, and 5403 have been amended for clarification and/or for correction of typographical errors. Claims 2069 and 2108 have been cancelled.

B. Provisional Double Patenting Rejection

The Examiner provisionally rejected claims 2039-2116 and 5396-5403 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims of copending Application Nos. 09/840,937; 09/841,288; 09/841,291; 09/841,300; 09/841,432; 09/841,438; 09/841,445; 09/841,495; 09/841,638; and 09/841,639. Applicant respectfully requests reconsideration of the provisional double patenting rejections in light of the amendments included with this response.

C. The Claims Are Not Anticipated By Tsai or Terry Pursuant To 35 U.S.C. § 102(b)

The Examiner rejected claims 2039, 2041, 2049, 2065, 2072-2074, 2078, 2080, 2088, 2104, and 2111-2113 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,299,285 to Tsai et al. (hereinafter "Tsai"). The Examiner rejected claims 2039, 2045, 2078, and 2084 under 35 U.S.C. 102(b) as anticipated by U.S. Patent No. 4,010,800 to Terry (hereinafter "Terry"). Applicant respectfully disagrees with these rejections.

In item 1 on page 13 of the Office Action mailed June 4, 2003, the Examiner states:
“Claims 2047, 2048, 2054-2056, 2069-2071, 2064, 2086, 2087, 2093-2095, 2108-2110, and 2104 have been identified as including subject matter which is allowable over the prior art.”

Independent claim 2039 has been amended to include features of claim 2069. Amended claim 2039 describes a combination of features including: “controlling formation conditions by recirculating a portion of hydrogen from the mixture into the formation”. Applicant respectfully requests removal of the rejections of claim 2039 and the claims dependent thereon.

Independent claim 2078 has been amended to include features of claim 2108. Amended claim 2078 describes a combination of features including: “controlling formation conditions by recirculating a portion of hydrogen from the mixture into the formation”. Applicant respectfully requests removal of the rejections of claim 2078 and the claims dependent thereon.

D. The Claims Are Not Obvious Over Van Meurs In View of Schultz and Kasevich Pursuant To 35 U.S.C. 103(a)

The Examiner rejected claims 5398 and 5400-5403 under 35 U.S.C. 103(a) as obvious over U.S. Patent No. 4,886,118 to Van Meurs (hereinafter “Van Meurs”) in view of U.S. Patent No. 3,947,683 to Schultz et al. (hereinafter “Schultz”) and U.S. Patent No. 4,457,365 to Kasevich et al. (hereinafter “Kasevich”). Applicant respectfully disagrees with these rejections:

Independent claim 5398 has been amended to include features of claim 2086. Amended claim 5398 describes a combination of features including: “controlling the heat such that an average heating rate of the part of the formation is less than about 1 °C per day in a pyrolysis temperature range of about 270 °C to about 400 °C”. Applicant respectfully requests removal of the rejections of claim 5398 and the claims dependent thereon.

E. **Additional Comments**

Applicant submits that all claims are in condition for allowance. Favorable reconsideration is respectfully requested.

Applicant believes no fees are due with the filing of this document. If an extension of time is required, Applicant hereby requests the appropriate extension of time. If any additional fees are required or if any fees have been overpaid, please appropriately charge or credit those fees to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account Number 50-1505/5659-02200/EBM.

Respectfully submitted,



Eric B. Meyertons
Reg. No. 34,876

Attorney for Applicant

MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. Box 398
Austin, TX 78767-0398
(512) 853-8800 (voice)
(512) 853-8801 (facsimile)

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